

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

- Group I: Claims 1-3, drawn to a process for producing 1,4-dihydroxy-2-naphtoic acid comprising initiating the culture of 1,4-dihydroxy-2-naphthoic acid producing bacteria belonging to propionic acid bacteria under anaerobic conditions and culturing the bacteria under aeration into the medium when the concentration of a carbon source in the medium is 3.5% by mass or less.
- Group II: Claims 4-6, drawn to a process for producing 1,4-dihydroxy-2-naphtoic acid, comprising culturing 1,4-dihydroxy-2-naphthoic acid producing bacteria belonging to propionic acid bacteria under anaerobic conditions, adding a carbon source to the obtained culture and preserving the culture at 3 to 20° C. under weak alkaline conditions.
- Group III: Claims 7-11, drawn to a process for producing 1,4-dihydroxy-2-naphtoic acid, comprising initiating the culture of 1,4-dihydroxy-2-naphthoic acid producing bacteria belonging to propionic acid bacteria under anaerobic conditions, culturing the bacteria under aeration into a medium when the concentration of a carbon source in the medium is 3.5% by mass or less, adding the carbon source to the obtained culture and preserving the culture at 3 to 20° C. under weak alkaline conditions.
- Group IV: Claims 12-16 drawn to a composition, food and beverages, and an agent comprising 1,4-dihydroxy-2-naphthoic acid obtained by the process according to any one of claims 1-11.
- Group V: Claim 21, drawn to a method a method for treating abdominal discomfort, characterized by comprising administering an effective amount of the composition according to claim 12.
- Group VI: Claim 22, drawn to a method for treating metabolic osteopathy, characterized by comprising administering an effective amount of the composition according to claim 12.

Please note: (i) claims 17-20 are not included in the above Groups, having been indicated as drawn to non-statutory subject matter, and (ii) the claims indicated above for Groups III and IV are updated from those listed in the Restriction Requirement, this is due to a discussion between Examiner Lilling and Applicants' representative where Examiner Lilling agreed to such changes.

Furthermore, Examiner Lilling has required an election of species (Office Action, page 6). Applicants have been required to elect one of a) or b), and if b) is elected, Applicants must elect one of b1) or b2).

- a) Food and beverages for improving abdominal discomfort.
- b) Food and beverages for metabolic osteopathy.
 - b1) For the prevention of metabolic osteopathy.
 - b2) For the treatment of metabolic osteopathy.

Applicants elect, without traverse, Group I, Claims 1-3 (drawn to a process for producing 1,4-dihydroxy-2-naphthoic acid comprising initiating the culture of 1,4-dihydroxy-2-naphthoic acid producing bacteria belonging to propionic acid bacteria under anaerobic conditions and culturing the bacteria under aeration into the medium when the concentration of a carbon source in the medium is 3.5% by mass or less), for examination.

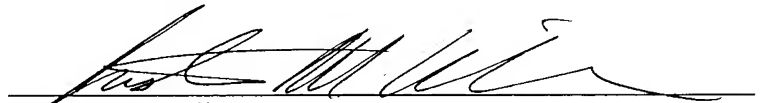
Applicants also provisionally elect, for examination purposes only, the following species:

a) Food and beverages for improving abdominal discomfort comprising a composition comprising 1,4-dihydroxy-2-naphthoic acid obtained by any one of the process claims 1-11.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Justine M. Wilbur
Registration No. 59,678

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/07)